

**Mississippi Secretary of State**

700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY	CONTACT PERSON	TELEPHONE NUMBER
Public Employees' Retirement System	Denise Mounger	601-359-2281

ADDRESS	CITY	STATE	ZIP
429 Mississippi Street	Jackson	MS	39201

EMAIL	SUBMIT Date	Name or number of rule(s):
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dmounger@pers.ms.gov

6/29/2010

**Regulation 34**

**Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:**

The proposed amendment to Regulation 34 conforms the regulation to the statutory changes made to Miss. Code Ann. § 25-11-127 in H. B. 957 and S. B. 3083 (2010 Legislative Session) which are effective July 1, 2010. The primary focus of the amendment is a) to reflect that a local elected official may only retire and remain in office if such member has reached age 62 or such other requirement as may be determined by the Internal Revenue Service to avoid a prohibited in-service distribution, and b) to reflect that the county or municipality is now required to pay employer contributions on the full amount of regular compensation for any covered local elected position occupied by a retiree.

Specific legal authority authorizing the promulgation of rule: MCA§ 25-11-15(6) and 25-11-127(3)

List all rules repealed, amended, or suspended by the proposed rule: Regulation 34

**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

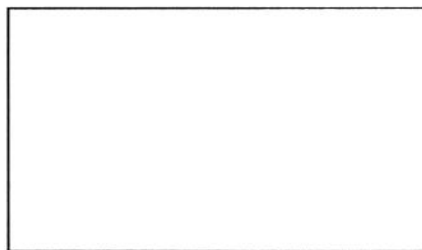
TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing	Action proposed:	Action taken:
_____ Renewal of effectiveness	_____ New rule(s)	_____ Adopted with no changes in text
To be in effect in _____ days	_____ Amendment to existing rule(s)	<input checked="" type="checkbox"/> Adopted with changes
Effective date:	_____ Repeal of existing rule(s)	_____ Adopted by reference
_____ Immediately on	_____ Adoption by reference	_____ Withdrawn
_____ Other (specify): _____	Proposed date of adoption:	_____ Repeal adopted as proposed
	_____ 30 days after filing	Effective date:
	_____ Other (specify): _____	_____ 30 days after filing
		<input checked="" type="checkbox"/> Other (specify): <u>July 1, 2010</u>
		(Eff date of Legislation)

Printed name and Title of person authorized to file rules: Denise Mounger, Deputy Director

Signature of person authorized to file rules: Denise Mounger

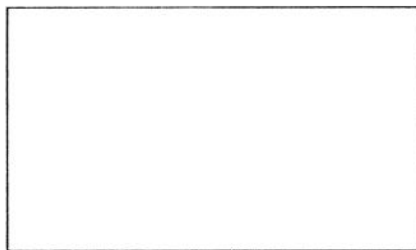
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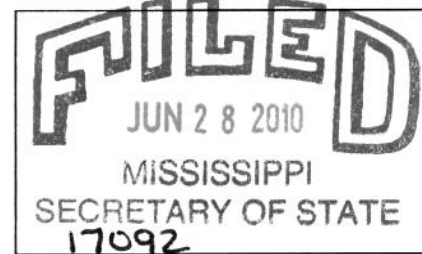
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**First Filing on 5/11/2010**